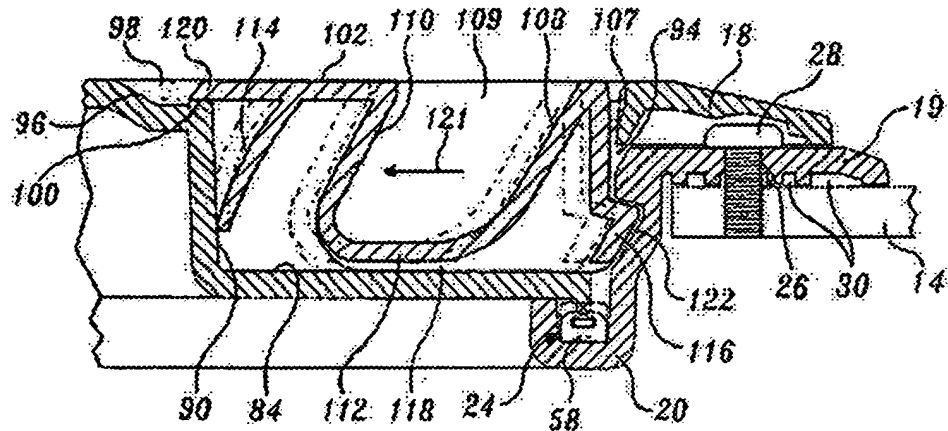


However, Malmanger does not identically disclose applicant's presently claimed invention.



**FIG. 5.**

Malmanger discloses a hatch mountable on the exterior or interior panel of a deck or bulkhead of a boat, with an improved latch. The hatch includes a hatch cover 10 received within a generally rectangular frame 12 mounted on the deck (Fig. 1). The hatch cover 10 includes a handle receptacle 82 for receiving a slidable handle 80 (Figs. 4, 5, 6), as well as a downwardly sloping edge 18 (col. 4, lines 19-24).

The slidable handle 80 includes a cavity 109 extending downwardly from an upper wall 102 and adapted to receive the fingers of an operator (col. 6, lines 65-67). The cavity 109 is defined by parallel front 108 and rear 110 walls that extend downwardly from the upper wall 102 of the handle 80 parallel to the front 88 of the handle receptacle and a bottom 112 that extend parallel to the bottom 84 of the handle receptacle. The front 108 and rear walls 110 slant backwards to provide the operator with a better finger grip. A "latch" 116 is located at the bottom portion of the front wall of the slidable handle 80 and is adapted to extend through a slot

94 formed in the handle receptacle in order to engage a recess or groove 122 formed in the J-shaped edge 20 of the frame when the hatch is in the closed and latched position.

The handle also includes a biasing structure having two resilient biasing members 114 extending downwardly and rearwardly from the upper wall 102 of the handle in order to contact the back wall 90 of the handle receptacle. In order to unlatch the hatch, the handle is slid rearwardly to disengage the latch 116 from the groove 122 and the biasing members are deformed, storing energy of deformation.

Malmanger does not identically disclose the presently claimed invention, and therefore does not anticipate it.

In particular, applicant's independent claim 1 requires that the actuator include an integrally formed spring means for biasing the actuator when the actuator travels from a closed to an open position. The actuator must also extend from the latch body for releasably engaging the frame. The Examiner identifies the rear wall 110 of the cavity 109 as an "actuator"; apparently because it is the rear wall 110 that is engaged by the operator to actuate the handle. However, this "actuator" does not include integrally formed spring means as required by applicant's independent claim 1. Instead, separate biasing means 114 are provided. Further, the "actuator" 110 does not releasably engage the frame. This function is provided by the "latch" 122.

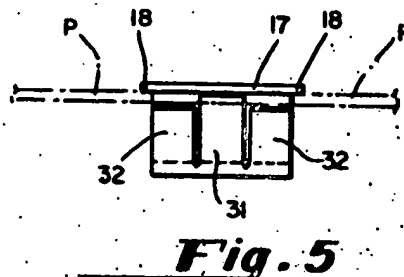
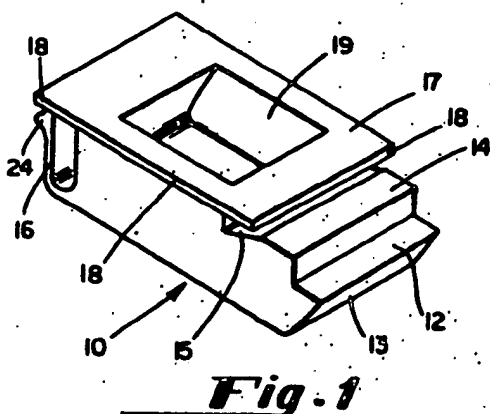
Because Malmanger does not identically disclose applicant's presently claims invention, reconsideration and withdrawal of the rejection entered under 35 U.S.C. 102(b) over Malmanger are respectfully requested.

Nor would Malmanger render the presently claimed invention obvious to one of ordinary skill in the art at the time the invention was made. Malmanger provides a latch body in which the spring means is provided at the rear or one end of the latch body, the pawl or latching means is provided at the front or opposite end of the latch body, and the operating portion or

actuator, which the operator grips to open the latch, is provided *between* the spring means and the latching means. In the presently claimed invention, the spring means is integrally formed with the actuator. There is nothing in Malmanger that would motivate one of ordinary skill in the art to modify the handle disclosed in Malmanger to provide the presently claimed invention.

Claims 1 - 2, and 5 - 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 3,841,674 ("Bisbing"). This rejection is also respectfully traversed and reconsideration and withdrawal are respectfully requested.

The Examiner references Figure 5 of Bisbing, identify element P as a plate, element 19 as a latch body, element 10 as an actuator, element 13 as a pawl, and element 16 as a spring means.



Bisbing discloses element 10 to be a latch body, element 19 to be a finger cavity, element P to be door panel, element 13 as an angled camming surface, and 16 as a resilient flexible leg.

Bisbing does not identically disclose the presently claimed invention either, and therefore does not anticipate it. As noted above, applicant's independent claim 1 requires that the actuator include an integrally formed spring means for biasing the actuator when the actuator travels from a closed to an open position. The actuator must also extend from the latch body for

releasably engaging the frame. The Examiner incorrectly identifies the finger cavity 19 as the latch body, the latch body 10 as an "actuator", the panel P as a "plate." However, even if the parts are correctly identified, Bisbing does not identically disclose applicant's invention as claimed in independent claim 1. While Bisbing's latch body includes integrally formed spring means 15 and a frame-engaging portion or "pawl" 12, Bisbing does not disclose an actuator and a latch body as discrete elements as otherwise required by applicant's independent claim 1. Claim 1 requires an actuator with an integral spring means, and the actuator must "extend from" a latch body. Bisbing simply discloses too few structural elements to meet the limitations of independent claim 1. Reconsideration and withdrawal of the rejection entered under 35 U.S.C. 102(b) over Bisbing are respectfully requested for this reason.

Further, applicant's presently claimed invention is not unobvious over Bisbing. There was nothing in Bisbing to suggest applicant's presently claimed invention at the time the invention was made to one of ordinary skill in the art. Bisbing discloses various specific ways in which to bias his slam-latch (Figs. 7-12). However, in each instance, the biasing means is positioned at the rear of the latch body opposite the pawl, rather than being integrally formed with an actuator including the pawl.

Certain unidentified claims stand rejected under 35 U.S.C. 103(a) as being unpatentable as obvious over Malmanger in view of U.S. Patent 2,878,389 ("Raffman"). From the context, applicant assumes the Examiner intended to reject claim 3 requiring camming means for controlling the travel of the actuator. This rejection is also respectfully traversed and reconsideration and withdrawal are respectfully requested.

The Examiner states that Malmanger is relied upon as above, noting further that Malmanger does not disclose a camming surface means to guide the latch. The Examiner states that Raffman discloses a camming means to guide the latch, referencing Figs. 1 and 4, and pin 87 and slot 88. The Examiner concludes that it would have been obvious to one of

ordinary skill in the art at the time the invention was made to have a camming means to guide the latch as taught by Raffman in the latch of Malmanger in order to allow for smooth motion and preventing the latch from binding due to unintended movement.

The Examiner's conclusion is not correct.

Raffman discloses a cassette for sealing x-ray film temporarily from the light. Raffman disclose a pair of slidable locks 74, 75, each of which has "a short stop pin 87 traveling in a short path within the open slot 88 in gap 73 to movement of the lock." Col. 5, lines 10-12.

The stop pin 87 does not guide the movement of the lock as characterized by the Examiner. Instead, the pin 87 in combination with the slot 88 merely limits the travel of the lock 74. The lock 74 is "guided" by being confined with the hollow frame 24 (Figs. 5-9).

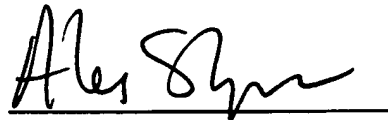
One of ordinary skill in the art would have no motivation to combine Raffman with Malmanger, and if she did make the suggested combination, she would not arrive at the presently claimed invention. Malmanger's handle 80 is limited to a reciprocal movement by a structure consisting of a pair of parallel ledges 92 extending from each sidewall 86 (Figs. 4 and 6; col. 6, lines 19-26). Travel of the handle 80 is limited rearward by the spring members 114, and forward by the front wall 88 of the hatch cover (Fig. 4). Adding stop pins 87 such as disclosed by Raffman and suggested by the Examiner would provide no function. In particular, Raffman does not disclose any camming function for his stop pins 87 and slots 88, and there is nothing in Raffman, Malmanger, nor in the combination of the two which would suggest such a function, nor any structure to implement such a function, to one of ordinary skill in the art. Reconsideration and withdrawal of the rejection entered under 35 U.S.C. 103(a) over Malmanger in view of Raffman are respectfully requested for these reasons.

As the application is now believed to be in condition for allowance, early favorable action and an early notice of allowance are respectfully requested.

If the Examiner has an question, he is invited to contact the undersigned attorney by telephone (215-568-4900) in the interest of a speedy resolution to this matter.

If the Examiner decides to maintain any the above-referenced rejections, a second non-final action is requested, in view of the fact that the obviousness rejection does not identify any specific claims as being rejected.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alex Sluzas", written over a horizontal line.

Alex R. Sluzas  
Registration No. 28,669

December 20, 2001

Order No.: 0874

Paul and Paul  
2900 Two Thousand Market Street  
Philadelphia, PA 19103  
Telephone (215) 568-4900  
Fax (215) 567-5057